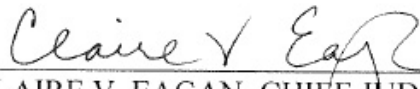


On October 30, 2006, the Court held a status conference with counsel for all parties in attendance. Based on the representation of the parties at the status conference, neither Timeline Recovery, LLC, nor its principals, nor Johnny Miller has made or will make demand on Empire Fire and Marine Insurance Company (“Empire”) for defense, indemnification, or otherwise in connection with the lawsuit pending in Creek County District Court (Case No. CJ-2004-482) or the accident that occurred on or about January 17, 2003. As such, there is no case or controversy, and the Court lacks jurisdiction over this case under Article III of the United States Constitution. See Deakins v. Monaghan, 484 U.S. 193, 199 (1988) (“Article III of the Constitution limits federal courts to the adjudication of actual, ongoing controversies between litigants.”); Preiser v. Newkirk, 422 U.S. 395, 401 (1975); SEC v. Medical Committee for Human Rights, 404 U.S. 403, 407 (1972). Therefore, the Court dismisses this suit for lack of subject matter jurisdiction. It follows that the Motion for Summary Judgment filed by Empire (Dkt. # 23) is moot.

IT IS THEREFORE ORDERED that this suit is dismissed for lack of subject matter jurisdiction. The Motion for Summary Judgment (Dkt. # 23) filed by Empire Fire & Marine Insurance Company is **moot**.

DATED this 30th day of October, 2006.



CLAIRE V. EAGAN, CHIEF JUDGE
UNITED STATES DISTRICT COURT